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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION U. S. Department of Agriculture

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the insecticide act]

1201-1205

[Approved by the Secretary of Agriculture, Washington, D. C., June 24, 1931]

1201. Misbranding of Chloro-Zol. U. S. v. 13 Dozen Small-Sized Packages, et al., of Chloro-Zol. Consent decree of condemnation and forfeiture. Product released under bond. (I. & F. No. 1534. S. No. 227.)

On June 30, 1930, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 dozen small-sized packages and 13 large-sized packages of Chloro-Zol, remaining in the original unbroken packages at Denver, Colo., consigned by the American Drug & Chemical Co., Minneapolis, Minn., alleging that the article had been shipped from Minneapolis, Minn., on or about May 6, 1930, and had been transported from the State of Minnesota into the State of Colorado, and that it was a misbranded fungicide within the meaning of the insecticide act of 1910.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the label of the box containing the article and in the accompanying circular (label and circular) "Non-poisonous," (label) "For sterilizing combs, brushes, etc. use $\frac{1}{8}\%$. Immerse for 10 minutes * * * For sterilizing combs, brushes, etc., empty contents of one capsule in one quart of water. Immerse 10 minutes. For metal instruments immerse for 5 minutes. Dry carefully, * * * Sterilizing Instruments, Etc. * * * Make a solution of Chloro-Zol by dissolving contents of one capsule in one quart of water. Immerse for five minutes, wipe carefully and place in a dry sterilizer," (circular) "Chloro-Zol Kills germs * * * It is a most powerful antiseptic and germicide having many times the germicidal power of phenol (carbolic acid), or formaldehyde, yet being virtually non-poisonous; * * * Sterilizing Combs, Brushes, Etc. For sterilizing combs, brushes, and various utensils, first wash them thoroughly with hot water and soap, or hold them under the hot water faucet. Then empty contents of one capsule in one quart of water and immerse combs, brushes, etc., for ten or fifteen minutes. Wipe dry and place in dry sterilizer until needed. Drain boards and some utensils that cannot conveniently be immersed, should first be washed with hot water and soap and then rinsed with Chloro-Zol solution; * * * For Dry Sterilizer Empty contents of one capsule in small open glass, china, or enamel dish. Do not use a metal dish that is not enameled. As the solution evaporates there will be a thin loose deposit around the edge of the dish. This should be pushed back into the solution and a small amount of water added. Change solution once or twice a week, * * * Sterilizing Hands—For Sterilizing hands preparatory to operating, first wash thoroughly with soap and hot water. Then immerse in Chloro-Zol solution made by emptying contents of one capsule in one pint of water, * * * Nearly all of the generally used antiseptics, such as carbolic acid, cresol, iodine and others are highly poisonous and there is always grave danger in leaving them in the household where children have access to them or where by some accident, they may cause serious results and even death. Chloro-Zol, therefore, which is many times more powerful as a germicide than these poisonous antiseptics, yet itself is non-poisonous, non-caustic and practically non-irritating, is a welcome adjunct not only for household purposes, but for dental, medical, surgical and industrial uses. * * * Chloro-

Zol superior to Poisonous Compounds, Chloro-Zol has many advantages over carbolic acid, cresol, bichloride of mercury, and other poisonous compounds formerly used in feminine hygiene," were false and misleading; and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that it was not nonpoisonous; it would not when used as directed sterilize combs, brushes, metal instruments, drain boards, and the other utensils referred to; it would not kill all germs; it did not have many times the germicidal power of phenol and formaldehyde under all conditions and was not virtually nonpoisonous; it would not when used as directed sterilize or disinfect; and would not when used as directed sterilize the hands.

Misbranding was alleged for the further reason that the article consisted partially of inert ingredients, namely, substances other than sodium p-toluene sulphon-chloramide, which inert ingredients do not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of each and every inert substance were not stated plainly and correctly on the label; nor, in lieu thereof, were the name and percentage amount of the substances or ingredients having insecticidal or fungicidal properties, and the total percentage of the inert substances stated plainly and correctly on the label.

On December 4, 1930, the Buerger Bros. Supply Co., Denver, Colo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

1202. Misbranding of Margo's bottled moth preventative, insect preventative, and deodorizer. U. S. v. 300 Cakes of Margo's Bottled Moth Preventative, Insect Preventative, and Deodorizer. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1529. S. No. 219.)

Examination of the product herein described having shown that the labels represented the article to possess certain insecticidal and deodorizing properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On or about August 21, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 300 bottle-shaped cakes of Margo's bottled moth preventative, insect preventative, and deodorizer. It was alleged in the libel that the article had been shipped on August 1, 1930, by the Margo Sales Co., from Philadelphia, Pa., to Atlantic City, N. J., and that having been so transported it remained in the original unbroken packages at Atlantic City, N. J., and that it was a misbranded insecticide within the meaning of the insecticide act of 1910.

Misbranding of the article was alleged in the libel for the reason that the statements, to wit, "Margo's Bottled Moth Preventative Insect Preventative * * * Its Bottled strength * * * Drives away moths. Insects and all vermin * * * Bottled for home, office, store, factory, etc.," and "Its bottled strength combats undesirable odors," borne on the label affixed to each of the cakes of the article, were false and misleading; and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article would be an effective control for moths, all insects, and all vermin, would prevent all insects in the home, office, store, factory, etc., and would combat all undesirable odors; whereas the said article would not be an effective control for moths, all insects, and all vermin, would not prevent all insects in the home, office, store, factory, etc., and would not combat all undesirable odors.

On November 14, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

1203. Misbranding and alleged adulteration of Ucco. U. S. v. 102 Gallons of Ucco. Decree of condemnation and destruction. (I. & F. No. 1517. S. No. 207.)

Samples of a product intended for use as an insecticide and known as Ucco, taken from the shipment herein described, were found to contain smaller amounts of the active ingredients than represented. The labels stated that the

article was an effective control of certain insects and that it was indorsed by this department, whereas it was not effective as such control and was not indorsed by this department.

On April 17, 1930, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 102 gallons of Ucco at Burlington, Vt., alleging that the article had been shipped on or about November 5, 1929, by the Union Control Corporation from Coudersport, Pa., into the State of Vermont, and that having been so transported it remained unsold in the original unbroken packages and that it was adulterated and misbranded in violation of the insecticide act of 1910.

It was alleged in the libel that the article was adulterated in that the statements, "Active Ingredients not over 78% Inactive Ingredients (water) 22% to 25%," borne on the label affixed to each of the bottles containing the said article, represented that it contained active ingredients, namely, substances that prevent, destroy, repel, or mitigate insects, in the proportion of not less than 75 per cent, and that it contained not more than 25 per cent of inactive ingredients; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained less than 75 per cent of active ingredients and more than 25 per cent of inactive ingredients. Adulteration was alleged for the further reason that water had been substituted in part for the article.

Misbranding was alleged for the reason that the statements, "Active Ingredients not over 78% Inactive Ingredients (water) 22% to 25%," borne on the said label, were false and misleading; and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, since the article contained less than 75 per cent of active ingredients and more than 25 per cent of inactive ingredients. Misbranding was alleged for the further reason that the following statements, "An insecticide to be applied after dilution with water, on soil, sod and turf to control the larvae, pupae, and egg of certain insects which use the soil, sod and turf as a breeding place. * * * Ucco insecticide when employed on small lawn plots or ordinary surroundings of urban or city areas, should be diluted with 200 gallons of water and sprinkled on the soil, sod, turf, or offals with a sprinkling can. * * * Recommendations, uses and needs for this merchandise can be secured by writing the United States Department of Agriculture for their Department Circular No. 363," borne on the bottle label, were false and misleading; and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article when used as directed would be an effective control of the insects usually controlled with such applications; that it was recommended and indorsed by this department; that it was mentioned in Department of Agriculture Circular No. 363 and that when used as directed, it was an effective control of the insects mentioned in said circular; whereas the article when used as directed would not be an effective control of the insects usually controlled with such applications; it was not recommended and indorsed by this department; it was not mentioned in circular No. 363 and when used as directed, it would not be an effective control of the insects mentioned in the said circular.

On June 30, 1930, all parties in interest having failed to answer or file a claim for the property, and the court having found that the product was misbranded as set forth in the libel, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

1204. Misbranding of Sta-Way lice and mite spools for poultry. U. S. v. 27 Boxes of Sta-Way Lice and Mite Spools for Poultry. Default decree of condemnation and destruction entered. (I. & F. No. 1530. S. No. 217.)

Examination of a product intended for use as an insecticide, known as Sta-Way lice and mite spools for poultry, from the shipment herein described having shown that it was not an effective control for lice and mites when used as directed, also that it was represented to be a disinfectant, whereas it was not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Kansas.

On or about August 22, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 27 boxes, each containing 36 disks of Sta-Way lice and mite

spools for poultry. It was alleged in the libel that the article had been shipped by the M-Onex Laboratories, Cedar Rapids, Iowa, on or about February 20, 1930, from the State of Iowa into the State of Kansas, and that having been so transported it remained in the original unbroken packages at Lawrence, Kans., and that it was a misbranded insecticide and fungicide within the meaning of the insecticide act of 1910.

Misbranding of the article was alleged in the libel for the reason that the statements, to wit, "Sta-Way Lice and Mite Spools for Poultry Keeps the Lice and Mites off of Poultry. The Fowls sit on the Roosts over the Spools and the Fumes Drive off the Lice and Mites. * * * Disinfects * * * Just Nail Them Under the Roosts," borne on the label affixed to each of the boxes containing the said article, were false and misleading; and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser into the belief that it would be an effective control for poultry lice and mites, and would disinfect the poultry houses when used as directed; whereas the said article when used as directed would not be an effective control for poultry lice and mites, and would not disinfect poultry houses.

On March 3, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

1205. Misbranding of Bigler Protecto powder. U. S. v. G. R. Bigler Co. Plea of guilty. Fine, \$10 and costs. (I. & F. No. 1480. Dom. No. 22129.)

Examination of samples of Bigler Protecto powder from the herein-described interstate shipment showed that it contained less nicotine, sulphur, and sodium fluoride than represented; it did not possess certain insecticidal properties it claimed to possess; and it failed to declare inert ingredients as required by law.

On June 12, 1928, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the G. R. Bigler Co., a corporation, Springfield, Ill., alleging shipment by said company in violation of the insecticide act of 1910, on or about October 8, 1926, from the State of Illinois into the State of Missouri, of a quantity of Bigler Protecto powder which was misbranded.

It was alleged in the information that the article was misbranded in that the statements, "Active Ingredients Nicotine .1%, Sulphur 4.0%, Sodium Fluoride 1.8%," borne on the label affixed to the bags containing the article, were false and misleading; and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since said article contained less nicotine, sulphur, and sodium fluoride than labeled.

Misbranding was alleged for the further reason that the following statements, "Bigler Protecto Powder Formerly Put Out as I. X. L. Dry Dip Relieves Stock and Plants of Many Insects and Lice Which Retard Growth and Sap Vitality," borne on the label of the said bags, together with the following statements, "Bigler IXL Dry Dip Directions For Horses. Brush it thoroughly into the hair. Dust in beds and about the stalls. For Cattle. Where lousy, rub thoroughly into the hair and blanket over night, throw liberally in beds or places they sleep. For Hogs. Dust thoroughly over the hogs and in their beds, floors and cracks of their houses. For Colds or Flu. Scatter thoroughly on the floor of their sleeping places, and over the hogs and shut the hogs up over night. For Poultry. Sprinkle about the chicken house, and into the cracks. Do not dust on the poultry. Same direction for mangy condition. The Dip for Winter and Summer," appearing in the circular accompanying the article, were false and misleading; and by reason thereof the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article was a dip, and when used according to directions, would be effective against many insects that retard the growth and sap the vitality of stock, would relieve stock of lice, and would be an effective remedy against many insects that infest plants, would be effective against lice and many insects that retard the growth and sap the vitality of horses, hogs, and poultry, would be effective in the control of lice on cattle, would be effective in the treatment of colds and flu in hogs and of mange in poultry; whereas the said article was not a dip and, when used as directed, would not be effective for

the purposes claimed in the above-quoted statements from the bag label and circular.

Misbranding was alleged for the further reason that the article consisted partially of inert substances or ingredients, namely, substances that do not prevent, destroy, repel, or mitigate insects, and the name and the percentage amount of each and every one of the said inert ingredients present in the article were not stated plainly and correctly on the label affixed to the bag containing the article; nor, in lieu thereof, were the name and percentage amount of each and every ingredient of the article having insecticidal properties, and the total percentage of the said inert substances or ingredients present in the article stated plainly and correctly on the said label.

On September 30, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs

ARTHUR M. HYDE, *Secretary of Agriculture.*

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